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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,993	04/06/2006	E. Premkumar Reddy	35926032901US	2185
23973 7590 08/28/2009 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996				
EXAMINER				
NWAONICHA, CHUKWUMA O				
ART UNIT		PAPER NUMBER		
1621				
MAIL DATE		DELIVERY MODE		
08/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,993

Applicant(s)

REDDY ET AL

Examiner

CHUKWUMA O. NWAONICHA

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008 and 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-27,32,36,37,69 and 77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-27,32,36,37,69 and 77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Current Status

1. This action is responsive to Applicants' amendment of 04 September 2008 and 26 May 2009.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Claims 1-3, 5-27, 32, 36, 37, 69 and 77 are under active consideration in the application.
4. The 112 rejection has been withdrawn following applicants amendments.

The Office Action dated 12/23/2008 has been withdrawn in favor of this Office Action. Applicants' arguments filed 26 May 2009 have been fully considered but they are moot in favor of the new grounds of rejection.

5. The obviousness-type double patenting rejection of claims 1-3, 5-27, 32, 36, 37, 69 and 77 as being unpatentable over claims 1-6, 8, 94, 95, 98-117, 122, 128 and 131 of the copending Application No. 10/592,604 in view of Singh et al. is maintain for the reason given in the previous Office Action 04/02/2008.

The rejection of claims 1-3, 5-27, 32, 36, 37, 69 and 77 under 35 U.S.C. 103 as being unpatentable over Schwan et al., {1-Alkenesulfinyl Chlorides: Synthesis, Characterization, and Some Substitution Reactions, Journal of Organic Chemistry (1998), 63(22), 7825-7832} for the reasons set forth in the previous Office Action of 04/02/2008 is maintained.

Applicants' argument and amendments filed 4 September 2008 have been fully considered but they are not persuasive because Applicants claimed compound is

obvious in view of the prior art references cited. Applicants' argument is based on methyl group versus hydrogen substitutions. Applicants claim the compound wherein the aryl ring is substituted with methyl group while the prior art teach compounds substituted with hydrogen. It should be noted that compounds that differ by methyl and hydrogen are expected to possess similar chemical and physical properties. Applicants may provide a side-by-side comparison of their methyl substituted compound and the hydrogen substituted compound of the prior art reference cited in terms of their pharmaceutical activities. The submission of this data may make Applicants' argument convincing.

Claim Rejections - 35 USC § 102

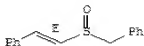
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

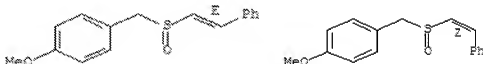
Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhong, et al., {Simple and stereoselective synthetic route to (E)-1-alkenyl sulfoxides via terminal alkynes, Journal of Chemical Research, Synopses (2000), (12), 588-589}.

Zhong et al. disclose applicant's claimed compound as shown below. Also, see the compound in the abstract.



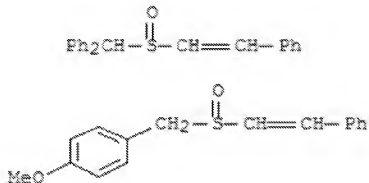
Claims 1-3, 5, 6, 8-13, 15, 16, 18, 19 and 77 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwan et al., {1-Alkenesulfinyl Chlorides: Synthesis, Characterization, and Some Substitution Reactions, *Journal of Organic Chemistry* (1998), 63(22), 7825-7832}.

Schwan et al. disclose applicant's claimed compounds as shown below. Also, see the compound in the abstract.



Claims 1, 5, 6, 8-11, 15, 18 and 77 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwan et al., {Oxidative fragmentations of selected 1-alkenyl sulfoxides. Chemical and spectroscopic evidence for 1-alkenesulfinyl chlorides, *Tetrahedron Letters* (1996), 37(14), 2345-8}.

Schwan et al. disclose applicant's claimed compound as shown below. Also, see the compound in the abstract.



Applicants' amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chukwuma O. Nwaonicha/
Examiner, Art Unit 1621

(for) /Sikarl A. Witherspoon/
Primary Examiner, Art Unit 1621

Daniel Sullivan
Supervisory Patent Examiner,
Technology Center 1600